

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of
the Estate of RONALD TYRONE
ROBY, Deceased,**

Plaintiff,

V.

BENTON EXPRESS, INC., et al,

Defendants.

CIVIL ACTION NO.: 2:05CV494-T

DEFENDANT'S EXHIBIT LIST

COMES NOW the Defendant, Benton Express, Inc., and, in accordance with the Court's scheduling order and Rule 26(a)(3) of the Federal Rules of Civil Procedure provides the following as its Exhibit List:

EXHIBIT LIST

The following exhibits are expected to be introduced into evidence at the trial of the above-styled case:

1. Report of Bob Tynes;
2. Report of Tony Stephens;
3. File of Bob Tynes, including but not limited to all documents considered in formulating his opinions and all documents relied upon in formulating his opinions;
4. File of Tony Stephens, including but not limited to all documents considered in formulating his opinions and all documents relied upon in formulating his opinions;

5. Telephone records of Craig Stephens;
6. Banking records of Craig and Stephanie Stephens;
7. All telephone and/or radio records produced in discovery;
8. Photographs and/or video of the accident scene;
9. Photographs and/or video of the vehicles involved in the accident;
10. Photographs and/or video of the ATM locations where withdrawals were made from Craig and Stephanie Stephens' bank account from April 8 to April 11, 2005;
11. Craig Stephens' personnel file and related documents maintained by Benton Express;
12. Craig Stephens' logs and manifests while working for Benton Express;
13. Maintenance records for the tractor-trailer involved in the accident;
14. Benton Express' employment handbook, manuals, and policies;
15. Sign In / Sign Out sheets;
16. Note from Garlin McLellan to Craig Stephens;
17. Bills of lading;
18. BOLO report from Florida Highway Patrol;
19. Correspondence from Florida Highway Patrol regarding BOLO report;
20. Audio recordings of telephone conversations between Glenn Clark and Florida Highway Patrol;
21. Incident Report from Atlanta Police Department;
22. Deposition and accompanying exhibits of Stephanie Stephens;
23. Deposition and accompanying exhibits of Officer K.J. Stapler;
24. Deposition and accompanying exhibits of Captain David Tripp;
25. Deposition and accompanying exhibits of Officer Angie Daniels;
26. Enlargements, "blow-ups," or electronic copies of any of the above-listed

exhibits;

The following exhibits may be introduced into evidence at the trial of the above-styled case if the need arises:

27. U.S. Department of Transportation regulations for the trucking industry;
28. Documents produced by the Alabama Department of Forensic Sciences;
29. Documents reflecting autopsy and/or toxicology results for either Craig Stephens or Ronald Roby;
30. Montgomery Police Department's Fatal Traffic Collision Investigation Report;
31. Deposition and accompanying exhibits of Hazel Roby;
32. Deposition and accompanying exhibits of Don Hammonds;
33. Deposition and accompanying exhibits of Bill Jones;
34. Deposition and accompanying exhibits of David Justice;
35. Deposition and accompanying exhibits of Barry Weems;
36. Deposition and accompanying exhibits of Glenn Clark;
37. Deposition and accompanying exhibits of Garlin McLellan;
38. Deposition and accompanying exhibits of Roland Brown;
39. Deposition and accompanying exhibits of Bob Tynes;
40. Deposition and accompanying exhibits of M.P. Stirling;
41. Deposition and accompanying exhibits of Tony Stephens;
42. Deposition and accompanying exhibits of Lisa Warr;
43. Deposition and accompanying exhibits of Michael Boozer;
44. File of Roland Brown, including but not limited to all documents reviewed in formulating his opinions and all documents relied upon in formulating his opinions;
45. File of M.P. Stirling, including but not limited to all documents reviewed in

formulating his opinions and all documents relied upon in formulating his opinions;

46. All exhibits listed or offered by any party to this action;
47. All documents that have been produced by any party to this action during discovery;
48. All documents produced by any deponent or party pursuant to deposition notices issued to them during the course of discovery in this action;
49. All documents made attachments to all depositions or referred to in any deposition taken during the course of discovery in this action;
50. All photographs used as exhibits in any and all depositions taken during the course of discovery in this action;
51. All documents, code sections, rules, regulations, standards, and treatises experts relied upon during their deposition testimony;
52. All treatises having any relation to the issues of this case;
53. All documents, code sections, rules, regulations, standards, and treatises experts will rely upon during the course of their testimony in the trial of this matter;
54. All documents, code sections, rules, regulations, standards, and treatises relied upon by any experts in formulating their opinions;
55. Defendant reserves the right to read the complete deposition of any and all deponents taken or to be taken in this matter;
56. Defendant reserves the right to introduce any and all interrogatories and answers thereto including, but not limited to, all documents referred to in the answers to interrogatories and any supplements to the answers to interrogatories;
57. Defendant reserves the right to introduce any and all requests for admissions

and answers thereto including, but not limited to, all documents referred to in the answers and in any supplements to the answers;

58. Defendant reserves the right to introduce any and all documents produced in response to any party's request for production of documents and any supplements to those responses;
59. Defendant reserves the right to introduce any and all documents produced in response to non-party subpoenas;
60. Defendant reserves the right to show any complete or partial video testimony taken in this matter;
61. Defendant reserves the right to introduce any articles or other publications authored or co-authored by any of the parties' expert witnesses;
62. Defendant reserves the right to introduce any pleadings filed in this matter;
63. Defendant reserves the right to utilize any oral, recorded or written statements and affidavits from any witnesses listed on any party's witness list for rebuttal or impeachment purposes;
64. Defendant reserves the right to introduce any and all prior testimony of any expert named by any of the parties;
65. Defendant reserves the right to introduce the criminal record of any witness listed by any of the parties;
66. Defendant reserves the right to introduce any document or exhibit for rebuttal or impeachment purposes;
67. Defendant reserves the right to introduce enlargements, "blow-ups," or electronic copies of any of the above-listed exhibits;

Defendant specifically reserves the right to amend this exhibit list upon the discovery of any additional documents or exhibits that may be relevant to this case or in the event the case

is not tried at its current setting. All exhibits listed above are available for inspection and copying upon request.

Respectfully submitted,

s/ Gregory A. Brockwell
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 8th day of February, 2006:

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